

## REMARKS

Claims 1-22 are pending in this application. Claim 1-20 stand rejected, claim 21 is objected to, and claim 22 has been withdrawn from consideration in response to a restriction requirement.

In the Office Action mailed June 6, 2006, the Examiner objected to claim 21 under 37 CFR 1.75(c) for being in improper form. Claims 1-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-3, 6-14, and 17-20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,114,494 to Wasyluka, and claims 4, 5, 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wasyluka.

Applicant has amended claim 21 so that it is no longer has multiple dependency. As such, claim 21 overcomes the Examiner's objection.

Claims 1, 12 and 13 have been amended to overcome the §112 rejections. In addition, claims 1, 13 and 21 have been amended to more clearly define the invention being claimed.

Amended claim 1 incorporates the subject matter of claim 3, which has been cancelled without prejudice. Amended claim 13 incorporates the subject matter of claim 14, which has been cancelled without prejudice.

Independent claims 1, 13 and 21 require that the connecting part extends along a minor part only of the edge adjacent the engaging means and the first panel is

connected to the second panel along a minor part thereof. In the Office Action, the Examiner refers to central connecting part 24 of Wasyluka as extending about  $\frac{1}{5}$  of the circumference of the carton which the blank is capable of forming. Applicant respectfully disagrees.

The connecting part 24 in Wasyluka extends fully between the two sealing tabs 31, 32, not just for the length of flap 21. That is a substantial portion of the eventual circumference of the carton, which will extend from 22 to 22 (see Figure 1) in effect in terms of length. Claims 1, 13 and 21 require the first panel to be connected the second panel along a minor part thereof. In Wasyluka the connected portion is all of the adjacent lengths of the panels except where the tabs 31, and 32 are, estimated as  $\frac{7}{8}$  of the circumference from the drawings. Furthermore, Wasyluka puts the emphasis on the length and rigidity of the carton (col. 1, lines 61-66), meaning that connections throughout the construction would be maximized.

When a two-ply carton with a hinged connection between the plies (panels) is shaped into, for instance, a circular or oval shape, the difference in the circumference between the inner panel and the outer panels would lead to stresses building up in the material causing unsightly bulges and wrinkles. By having the panels connected along a minor part thereof only, these stresses are avoided, thus providing an elegantly simple solution to the problem, and aiding, in particular, automated assembly of the cartons.

For the reasons stated above, all of the pending claims are in a condition for allowance. Therefore, Applicant respectfully asks that a timely Notice of Allowance be

issued in this case.

If any fees are due in connection with this paper, the Director is authorized to charge them to Deposit Account No. 01-0265.

Respectfully submitted,

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